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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/718,595	11/21/2000	Dan Kikinis	P1541D1	5336

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CENTRAL COAST PATENT AGENCY
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EXAMINER

PRIETO, BEATRIZ

ART UNIT PAPER NUMBER

2152

DATE MAILED: 05/24/2002

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/718,595

Applicant(s)

KIKINIS, DAN

Examiner

B. PRIETO

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☒ Interview Summary (PTO-413) Paper No(s). 11.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 06. 6) ☐ Other:

DETAILED ACTION

1. This communication is in response to amendment filed 5/14/02, claims 16-37 remain pending.

Claim rejection 35 U.S.C. §103

2. Quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action may be found in previous office actions.

3. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et. al. (Lawler).

Regarding claim 16, Lawler teaches an interactive station controller (18) (set top box) (col 5/lines 38-43), comprising;

broadband receiver for receiving multimedia information (col 3/lines 30-67, receiver of analog video signals i.e. broadband signals, col 4/lines 24-29) over a network from multiple sources (satellite downlink, head end system (12), col 5/lines 30-37 or servers (26, 30) col 4/lines 1-10);

receiving said multimedia information including displayable data stream (col 5/lines 49-56) and further including future programming (col 4/lines 36-51, future program schedule information, col 9/lines 52-62 from one of said sources) in real-time to form a display from the displayable data stream (col 9/lines 63-col 10/line 8, col 6/lines 7-28),

displayable indicia including command(s) (Figs. 5-6, and 10, elements 128,130, and 140) associated with displayable indicia, said command(s) associated with said displayable indicia (col 7/lines 20-26, commands such as links, col 4/lines 36-51, commands such as buttons 128, 130 or 140, col 10/lines 42-col 11/line 6);

tuner/demultiplexer circuitry (50, 52, and 54) for separating (selecting or tuning) said multimedia information received in real-time including analog-digital video signal

(displayable indicia) so as to form display image (Fig. 6) on display screen 46 (col 5/lines 49-56, col 5/lines 57-67);

remote control (22) (user-operable apparatus) (col 3/lines 34-36, col 5/lines 38-43) to select the displayable indicia (col 10/lines 16-41);

selecting displayable indicia and in response to the selection of displayable indicia associated a command (action) (col 10/lines 42-59), storing said command and executing instructions associated with said command at a future point in time (e.g. set record command via record button (130), col 10/lines 53-58, col 13/lines 8-26, order command col 10/lines 60-65 via order button (138), set reminder command via reminder button (140), col 10/line 65-col 11/line 32, col 11/line 45-col 12/line 12);

however Lawler's receiver for receiving as claimed is not denoted "broadband receiver", and components for separating displayable data stream as claimed are not denoted "tuner/demultiplexer circuitry";

It would have been obvious to one ordinary skilled in the art at the time the invention was made to utilize Lawler to perform the same functions as claimed, motivation would be implement an displayable interactive program guide received form multiple sources, configured to enable a user interact with said guide to select a future program from the program guide and select function associated with actions, executing said actions a future point in time.

Regarding claim 17, execution of command (e.g. order a program via button 138) comprises switching the display screen to a channel associated with future programming at a predetermined future point in time (col 11/lines 36-44).

4. Claims 18-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et. al. (Lawler) in further view of Eyer U.S. Patent No. 5,982,445.

Regarding claims 18, 20 and 24, said multimedia includes received by satellite data link (Lawler: col 3/lines 54-57), however does not explicitly teach where said multimedia received by satellite data link comprises web pages in a markup language.

Eyer teach receiving by a television receiver display data (col 5/lines 13-26), said display data coded according to a markup language (e.g. Html), display data also including future program scheduling information (col 4/lines 33-57) by a satellite data link receiver by a television receiver (col 8/lines 39-52);

It would have been obvious to one ordinary skilled in the art at the time the invention was made to provide a scheme for adapting existing transmission and receiving equipment including set-top decoders and communication protocols such as those for transmission of digital television signals via satellite and/or cable plants for the display of web pages in view of its rapidly increasing use, as suggested by Eyer.

Regarding claim 19, broadband receiver via a satellite data link a corresponding data stream (Lawler: col 3/lines 54-67).

Regarding claim 21, as discussed on claim 16, and multimedia further including television programming (Lawler: col 3/lines 30-33, 61-67).

Regarding claim 22, said set top box (18) includes a memory system (60) for storing said program schedule information discussed above (Lawler: col 9/lines 63-col 10/line 3) and a processor (58, 64) (driver) for coordinating the program schedule information with the television programming information (Lawler: col 10/lines 4-8,16-29, col 6/lines 15-28).

Regarding claim 23, as discussed on claim 19, and further including a land-based modem for receiving as discussed on claim 1, by one of the satellite and land-based modem (Lawler: col 5/lines 34-37).

Regarding claim 25, substantially the same as discussed on claim 1, same rationale is applicable.

Regarding claims 26-33 comprising the method associated with the set top box apparatus are substantially the same as discussed on claims 17-24 same rationale is applicable.

Regarding claim 36, substantially the same as discussed on claim 1, wherein further multimedia stream includes video, as discussed above.

Regarding claim 37, time for future display is predetermined (i.e. controlled) by the command associated with displayable indicia (Lawler: col 10/lines 60-64).

Related U.S. Patents:

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure; pertinence is presented in accordance with to MPEP§ 707.05. Copies of documents cited will be provided as set forth in MPEP§ 707.05(a):

U.S. Patent No. 5,844,620, 12/01/1998

Coleman teaches an interactive on-screen visual interface guides a user through a menu of individual events available via an information network while allowing continuity of viewing of the current channel. Provision of an interactive program guide (IPG) for events such as television programs, movies, concerts, sporting events, interactive services, and the like which are available over a digital broadcast satellite (DBS) system or a cable television (CATV) network. The guide's graphics can also be blended with video being viewed. A trickle data stream provides programming information for a current time period, e.g., the next forty-eight hours, and is stored in a local memory for immediate access. A demand data stream provides programming information for a future time period, e.g., one week beyond the current period, and is acquired on a real time basis in response to a subscriber's request for future scheduling information (abstract).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (703) 305-0750. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Mark H. Rinehart can be reached on (703) 305-4815. The fax phone number for the organization where this application or proceeding is assigned is (703)

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308-6606. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 746-7239, (for Official communications intended for entry)

Or:

(703) 746-7240 (for Non-Official or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist), further ensuring that a receipt is provided stamped "TC 2100".



B. Prieto

Patent Examiner

May 16, 2002

MEHMET B. GECKIL
PRIMARY EXAMINER

